



Rules of Procedure of the Working Group on the OECD Guidelines for Multinational Enterprises

– Last updated: 1 August 2019 –

[Courtesy translation of the original German version, the latter being the sole basis for any interpretation that might become necessary.]

Section 1 Objective

The Working Group on the OECD Guidelines (Working Group) shall advise and support the National Contact Point for the OECD Guidelines for Multinational Enterprises (NCP) in the Federal Ministry for Economic Affairs and Energy (BMWi) as it fulfils its mandate pursuant to the OECD Guidelines for Multinational Enterprises (OECD Guidelines).

Section 2 Chair

The Working Group shall be chaired and led by the NCP.

Section 3 Members of the Working Group

(1) ¹Members of the Working Group shall be the NCP, the ministries belonging to the Interministerial Committee on the OECD Guidelines (IMC) in line with the Rules of Procedure of the IMC, and the associations selected in accordance with paragraphs 2 to 4. ²The current list of the members selected in accordance with paragraphs 2 to 4 can be found in Annex 1 to these Rules of Procedure.

(2) ¹Associations which represent the interests of one of the three OECD stakeholder groups (employers, employees, civil society) can be members of the Working Group. ²Each stakeholder group can be represented in the Working Group by up to five associations.

(3) ¹The stakeholder groups shall propose the associations to represent them to the NCP. ²The precondition for this shall be that, in view of its professional expertise, the association is willing and able to make an objective-

ly valid contribution to the work of the Working Group. ³The IMC shall decide whether to accept the association into the Working Group following comments from the members of the Working Group at the time of the proposal.

(4) ¹Each member within the meaning of paragraph 2 can terminate its membership by means of a declaration in writing to the NCP. ²If a member within the meaning of paragraph 2 no longer fulfils the preconditions cited in paragraph 3, the IMC shall decide in response to a proposal by the NCP and following comments from the members within the meaning of paragraph 2 on the termination of the membership.

Section 4 Additional participants in the Working Group

(1) ¹Up to five associations or institutions which do not represent any of the stakeholder groups cited in Section 3 paragraph 2 sentence 1 can be temporarily or permanently accepted as additional participants in the Working Group. ²The current list of the additional participants and the duration of their participation can be found in Annex 2 to these Rules of Procedure.

(2) The precondition for acceptance as an additional participant is that the relevant association or institution disposes of particular professional expertise in general or on specific issues which usefully supplements the knowledge held by the members of the Working Group and thus contributes to the fulfilment of the mandate of the NCP and the Working Group within the meaning of Section 1 and Section 5.

(3) ¹In response to a proposal by the NCP, the IMC shall decide whether to offer the relevant association or institution temporary or permanent status as an additional participant. ²Prior to this, the NCP shall give all the members and additional participants an opportunity to comment.

(4) ¹An additional participant can terminate its participation by means of a declaration in writing to the NCP at any time. ²If an additional participant no longer fulfils the preconditions cited in paragraph 2, the IMC shall decide in response to a proposal by the NCP and following comments from the members and additional participants on the termination of the participation.

Section 5 Mandate

(1) In order to attain the objective cited in Section 1 of advising and supporting the NCP, the Working Group shall serve as a forum for discussion of all issues relating to the implementation of the OECD Guidelines.

(2) For this purpose, the NCP shall exercise due discretion to inform the members of and additional participants in the Working Group about the following in particular:

- a) the submission of complaints to the NCP regarding possible violations of the OECD Guidelines,
- b) the initial assessment on whether a complaint is accepted for further examination,
- c) the conclusion of complaints procedures,
- d) further activities of the NCP, in particular relating to its promotional activities and proactive agenda, and
- e) meetings of the OECD bodies pertaining to the OECD Guidelines for Multinational Enterprises.

(3) The members of and additional participants in the Working Group shall endeavour to inform the NCP about important developments and planned activities and to support the NCP in its promotional activities, particularly by arranging possibility to play an active part in conferences and meetings.

Section 6 Meetings

(1) ¹The Working Group shall hold ordinary and formal meetings twice a year. ²If necessary the NCP can convene further formal or informal meetings.

(2) ¹As a rule, the NCP shall convene formal meetings at the latest 10 working days before the date of the meeting and shall send the members of and additional participants in the Working Group an agenda. ²The meetings shall be chaired by the NCP.

(3) ¹Each member and each additional participant in the Working Group can submit applications for agenda items at the latest 5 working days before the beginning of the meeting. ²The NCP shall exercise due discretion in deciding whether to include the items on the agenda.

(4) If a member within the meaning of Section 3 paragraph 2 or an additional participant in the Working Group is also a party to an ongoing complaints procedure cited in Section 5 paragraph 2, its representative can be excluded from participation in the meeting by the chair of the meeting for the duration of the discussion of the relevant complaints procedure.

(5) ¹In the context of meetings within the meaning of paragraph 1 sentence 1, the Working Group can make recommendations to the NCP regarding questions within the meaning of Section 5 paragraph 1. ²The precondition for this is that the relevant question has been placed on the agenda in line with paragraph 3 and there is consensus amongst the members within the meaning of Section 3 paragraph 2 attending the meeting that a corresponding recommendation should be made to the NCP.

(6) ¹The NCP shall produce minutes following each ordinary and formal meeting and shall transmit them to the members of and additional participants in the Working Group. ²The NCP shall exercise due discretion to decide whether and if appropriate what information about the complaints procedures cited in Section 5 paragraph 2 shall be included in the minutes.

Section 7 Confidentiality

(1) The representatives of the NCP and the ministries belonging to the Working Group pursuant to Section 3 paragraph 1 sentence 1 are subject to the statutory rules on confidentiality obligations in the exercise of their official duties.

(2) ¹The representatives of the members within the meaning of Section 3 paragraph 2 and the additional participants shall treat all information regarding the complaints procedures cited in Section 5 paragraph 2 which they receive in the context of the work of the Working Group with the necessary confidentiality and shall only pass it on within their own associations or institutions to the necessary extent and making reference to the confidentiality requirement; under no circumstances may this information be passed on to third parties or published or made known via social networks. ²The confidentiality requirement pursuant to sentence 1 shall not exist if and to the extent that the NCP makes information within the meaning of sentence 1 publicly available in Final Statements or in another way.

(3) Other knowledge obtained by the representatives of the members within the meaning of Section 3 paragraph 2 and the additional participants in the context of the work of the Working Group shall be treated confidentially by them if the NCP calls on them to do so.

Section 8 Amendments to the Rules of Procedure

(1) ¹The NCP can make editorial changes to these Rules of Procedure autonomously. ²The editorial changes shall in particular include the amendments to Annexes 1 and 2 to these Rules of Procedure to be undertaken in line with Section 3 or Section 4.

(2) ¹Other amendments to the Rules of Procedure can be proposed by any member of the Working Group, citing the reasoning. ²The Working Group shall discuss the proposal at a meeting pursuant to Section 6 paragraph 1 sentence 1. ³The IMC shall decide whether to adopt the proposal.

Section 9 Adoption and entry into force

¹These Rules of Procedure were adopted in consensus with the Working Group by the IMC at its meeting on 25 February 2019. ²They have thereby entered into force.

Annex 1: Members of the Working Group appointed in accordance with Section 3 paragraphs 2 - 4

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Employers

1. Confederation of German Employers' Associations (BDA)
2. Federation of German Industries (BDI)
3. Association of German Chambers of Commerce and Industry (DIHK)
4. Association of German Banks (BdB)
5. German Retail Federation (HDE)

Employees

1. German Trade Union Confederation (DGB)
2. Industriegewerkschaft Metall (IG Metall)
3. United Services Trade Union (ver.di)
4. [Vacant]
5. [Vacant]

Civil society

1. Bread for the World - Protestant Agency for Diakonie and Development
2. Forum Menschenrechte, represented by European Center for Constitutional and Human Rights (ECCHR)
3. VENRO, represented by Germanwatch e.V.
4. Transparency International Deutschland e.V.
5. [Vacant]

Annex 2: Additional participants in the Working Group in accordance with Section 4

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1. Global Compact Network Germany (DGCN)
2. econsense – Forum for Sustainable Development of German Business e.V.
3. Secretariat - Partnership for Sustainable Textiles
4. German Institute for Human Rights e. V.
5. [Vacant]